

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00385

Fred A. Dixon, Jr.,
Plaintiff,

v.

Warden, Skyview Unit et al.,
Defendants.


ORDER

Plaintiff Fred A. Dixon, Jr., a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983 without paying the filing fee. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

The magistrate judge issued a report recommending that the lawsuit be dismissed by the three-strike provision of 28 U.S.C. § 1915(g) and because plaintiff failed to show that he has satisfied sanctions previously imposed upon him by the Northern District of Texas. Plaintiff received a copy of the report but has filed no objections.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's motion to proceed *in forma pauperis* is denied, and this case is dismissed with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of the lawsuit with payment of the full filing fee. Should Plaintiff refile his lawsuit, he must also show receipt of permission from a judge of this court to file a new lawsuit and proof of satisfaction of the \$100.00 sanction imposed by the Northern District of Texas.

So ordered by the court on January 25, 2023.



J. CAMPBELL BARKER
United States District Judge